

1 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

2 Serial No. 09/682,583

Group Art Unit: 3691

3 Filing Date: 09/21/2001

Examiner: Akintola, Olabode

4 Inventor: Brotherston, David

Attorney Docket No. P3S2002336US

5 Title: **APPARATUS AND METHOD FOR PROVIDING PRODUCTS AND**
6 **SERVICES IN A TRANSPORT VEHICLE USING A NETWORK OF**
7 **COMPUTERS**

August 28, 2009

8 Gifu-city, Japan

9 Commissioner for Patents
10 P.O. Box 1450
11 Alexandria, VA 22313-1450
12 USA

11 **REQUEST FOR STATUS**

12 Honorable Commissioner for Patents:

13 It has been more than two months since a Reply Brief was filed in the above-
14 identified application. In particular, the Patent Application Information Retrieval system
15 ("PAIR") indicates that the Reply Brief was received in the US Patent and Trademark Office
16 on June 18, 2009, and forwarded to the Examiner on June 26, 2008. The eight day gap
17 between the date the Reply Brief was received and forwarded to the Examiner was
18 presumably due to review by US Patent Office personnel to ensure that the Reply Brief was
19 in compliance with 37 CFR 41.41.

20 According to 37 CFR 41.43(a)(1), "[a]fter receipt of a reply brief in compliance with
21 § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief." If the
22 reply brief is not in compliance with 37 CFR 41.41, MPEP 1208 states that "the examiner
23 must notify appellant that the reply brief has not been considered and the reason for non-
24 compliance." MPEP 1209 recommends that the Examiner use form paragraph 12.182 on
25 Form PTOL-90 to notify the appellant.
26

1 As of yet no notification has been received from the Examiner of whether the Reply
2 Brief has been entered and considered. Since two months is the period that MPEP 1207.02
3 states is the time in which the Examiner should furnish the appellant with a written statement
4 in answer to the appellant's brief, two months should be more than adequate for the Examiner
5 to have reviewed the Reply Brief and provide an acknowledgement of receipt thereof.

6 Please also note that as of September 21, 2009, this application will have been
7 pending in the US Patent and Trademark Office for eight years. Section 707.02 of the MPEP
8 provides that (emphasis in original):

9 Any application that has been pending five years should be carefully studied by
10 the supervisory patent examiner and every effort >should be< made to terminate
11 its prosecution. In order to accomplish this result, the application is to be
12 considered "special" by the examiner.

13 In addition, the new USPTO Director, David Kappos, has stressed the need to reduce
14 pendency and engage in compact prosecution.

15 Accordingly, a request for a status report of the application is hereby solicited, and in
16 particular, an indication of when an acknowledgement of receipt of the Reply Brief may be
17 expected. Pursuant to Paragraph (D) of Section 203.08 of the Manual of Patent Examining
18 Procedure, please send a written status report by facsimile or mail to the correspondence
19 address of record . . . thank you.

20 Respectfully submitted,

21 

22 Brian P. Furrer, USPTO Reg. No. 37,627